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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

EDWIN YOSHIHIRO FUJINAGA and
MRI INTERNATIONAL, INC.,

Defendants,

and

CSA SERVICE CENTER, LLC
THE FACTORING COMPANY,
JUNE FUJINAGA, and
THE YUNJU TRUST,

Relief Defendants.

Case No.: 2:13-cv-01658-JCM-CWH

ORDER

Presently before the court is Robb Evans & Associates LLC’s (the “Receiver”) Motion for an Order (1) Approving the Receiver’s Final Report and Accounting; (2) Approving and Authorizing Payment of Receivership Expenses from Inception of Receivership Through Closing; (3) Authorizing the Receiver to Turn over the Balance of the Estate’s Settlement Fund to the SEC in Partial Satisfaction of Its Judgment Against the Defendants, for Distribution to Harmed Investors by the Court-appointed Distribution Agent; (4) Terminating the Receivership and Discharging, Relieving, and Releasing the Receiver; (5) Authorizing Abandonment and Destruction of Receiver’s Records; and (6) Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors (the “Motion”) (ECF No. 585).

1 The Receiver requests an order approving and authorizing payment of receivership fees and
2 expenses for the thirty-one month period from January 1, 2020 through July 31, 2022 (the
3 “Reporting Period”). *Id.* This includes fees for the Receiver and its deputies, agents and staff, in the
4 amount of \$30,529.35, its expenses in the amount of \$23,765.44, business entity expenses for the
5 estate in the amount of \$71,270.18, and expenses relating to the estate’s real property in the amount
6 of \$39,825.85. *Id.*

7 The request also includes fees be paid to the Receiver’s counsel Lynch Law Practice, PLLC
8 in the amount of \$43,470.00 and its expenses in the amount of \$2,139.46. *Id.*

9 The request also includes the Receiver’s estimated fees and expenses it incurs between the
10 end of the Reporting Period and the date the Receiver is discharged (the “Wrap Up Period”) not to
11 exceed \$9,490.50 in fees, and expenses it incurs not to exceed \$6,990.00. *Id.* The Receiver has
12 agreed to submit its actual fees and expenses incurred during the Wrap Up Period to the SEC for
13 review and approval before payment, with any unresolved disputes to be brought to the attention of
14 the Court. *Id.*

15 The request also includes the Receiver’s counsel’s estimated fees and expenses it incurs
16 during the Wrap Up Period not to exceed \$8,000.00 in and expenses it incurs not to exceed
17 \$1,500.00. *Id.* The Receiver’s Counsel has agreed to submit its actual fees and expenses incurred
18 during the Wrap Up Period to the SEC for review and approval before payment. with any unresolved
19 disputes to be brought to the attention of the Court. *Id.*

20 The Motion sets forth the Receiver’s services and activities during the expense period, as
21 well as the law supporting an award of the requested fees. Further, Local Rule 7-2(d) provides that
22 “the failure of an opposing party to file points and authorities in response to any motion ...
23 constitutes a consent to the granting of the motion.” LR 7-2(d). The court will therefore grant the
24 instant unopposed Motion.

25 Further, to the extent that Local Rule 66-5 applies here, the Court finds that the Receiver has
26 given sufficient notice to creditors under the rule. The Receiver filed the instant Motion on the
27 public CM/ECF docket for this case. The court set a response deadline for the Motion. The deadline
28 has now passed, and no response or other objection has been filed by any party.

1 Further, the Receiver served copies of all Motion papers on the parties to the action and on
2 all known non-consumer creditors, as well as on all attorneys registered for CM/ECF notices in that
3 certain class action styled *Takiguchi et al v. MRI International, Inc. et al.*, filed in the United States
4 District Court for the District of Nevada, Case No. 2:13-cv-01183-HDM-NJK) (the “Class Action”),
5 in which a class was certified consisting of (with limited exceptions) “all persons who purchased
6 MRI securities during the period July 5, 2008, through May 1, 2013, and were injured as a result of
7 the defendants’ conduct.” See Order Granting Motion to Certify Class entered in the Class Action at
8 ECF No. 404.

9 Good cause appearing, the Court will grant the instant Motion in its entirety.

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Receiver’s Motion for
12 Order Approving the Receiver’s Final Report and Accounting (ECF No. 585) be, and the same
13 hereby is, GRANTED.

14 IT IS FURTHER ORDERED that the Receiver’s Motion for Order Approving and
15 Authorizing Payment of Receivership Expenses from Inception of Receivership Through Closing
16 (ECF No. 585) be, and the same hereby is, GRANTED;

17 IT IS FURTHER ORDERED that the Receiver’s Motion for Order Authorizing the Receiver
18 to Turn Over the Balance of the Estate’s Assets to the SEC, in Partial Satisfaction of its Judgments
19 against the Defendants and Relief Defendants (ECF No. 189, 317) for Distribution to Harmed
20 Investors by the Court-appointed Distribution Agent in accordance with a Court-approved plan of
21 distribution (ECF No. 585), be, and the same hereby is, GRANTED;

22 IT IS FURTHER ORDERED that the Receiver’s Motion for Order Terminating the
23 Receivership and Discharging, Relieving, and Releasing the Receiver (ECF No. 585) be, and the
24 same hereby is, GRANTED;

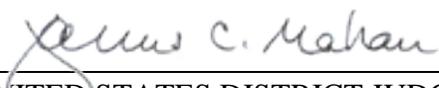
25 IT IS FURTHER ORDERED that Court hereby discharges Robb Evans & Associates LLC as
26 Receiver, and releases Robb Evans & Associates LLC, its deputies, members, officers, agents,
27 employees, attorneys and representatives from any and all duties, responsibilities, and liabilities in
28 connection with the receivership estate and this action, including any and all claims and liabilities

1 that could have been asserted in the receivership estate and in connection with their administration of
2 the receivership estate.

3 IT IS FURTHER ORDERED that the Receiver's Motion for Order Authorizing
4 Abandonment and Destruction of Receiver's Records (ECF No. 585) be, and the same hereby is,
5 GRANTED; and

6 IT IS FURTHER ORDERED that the Receiver's Motion for Order Granting Relief from
7 Local Rule 66-5 Pertaining to Notice to Creditors be, and the same hereby is, GRANTED.

8 DATED October 5, 2022.

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11 UNITED STATES DISTRICT JUDGE
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